

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

MARCH 22, 2004

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff Gregory Jackson

INVOCATION Father Art Kerwin – St. Peter’s Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

**KIRK
ADOPTED March 8, 2004**

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

**LOEFFEL
ADOPTED** 1. **Resolution of commendation for Pete Dugan, honoring his steadfast commitment to the cause of Veterans Plaza in Overton Park.**

Ordinances

**HOOKS
(DEFERRED
TO 04/12/04)** 2. **ORDINANCE – SECOND READING**
A Joint Ordinance (ZTA 03-002 CC) amending the Memphis and Shelby County Zoning Ordinance, adopted by the Shelby County Board of Commissioners on October 7, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows:

1) **Amend Section 29 – Signs,
Subsection III – Definitions;
Subsection IV – Classification of signs;
Subsection V – Signs Prohibited;
Subsection VI – General Standards;
Subsection VII – Permanent On-Premise Sign Regulations;
Subsection XII – Violations; and
Creating a new Subsection XIII – Enforcement and Penalties.**

- 2) Amend Section 30 – Non-conformities,
Subsection E – Non-conforming On-Premise and
Off-Premise Signs;
Providing for severability;
Providing for repeal of conflicting
ordinance requirements;
And providing an effective date.

Zoning and Subdivisions

**HOOKS
ADOPTED
(A-D)**

3. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

4. Resolution approving the sale of twenty-nine delinquent tax parcels from tax sale(s) 53, 54, 89.4, 89.5, 96.1, 96.2, and 99.1 pursuant to provision of the TCA 67-5-2507.

**KIRK
ADOPTED**

5. Resolution approving 5% out of class pay for a Clerical Specialist B in the Juvenile Court Clerk's office.

**KIRK
ADOPTED**

6. Resolution approving the reclassification of a position in the Shelby County Trustee's office.

**KIRK
ADOPTED**

7. Resolution calling the Shelby County Board of Equalization into Regular Session for the Tax Year 2004 and setting the terms thereof.

**LILLARD
ADOPTED**

8. Resolution increasing bid award to Stabilization, Inc. for FY 2003/2004 Cement Stabilization by the amount of \$40,000.00.

**LILLARD
ADOPTED**

9. Resolution amending the FY 2004 Operating Budget to reflect relief funds awarded by the Tennessee Emergency Management Agency in response to the extraordinary windstorm of July 22, 2003.

**AVERY
ADOPTED**

10. Resolution approving expenditure of funds in the amount of \$212,203.21 to various vendors for the purchase of medical supplies for the residents of Oakville Health Care Center.

**AVERY
ADOPTED**

11. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$736,100.00 for HIV/AIDS Prevention and Surveillance Services between January 1, 2004 and December 31, 2004, and amending the FY 2003/2004 Operating Budget.

- AVERY
ADOPTED

12.

Resolution in support of a 55 mph speed limit for trucks during Ozone Season in Early Action Compact Areas; in support of Anti-Idling Provisions in Early Action Compact Areas; in support of statewide Anti-Tampering Provisions; and in support of statewide requirements for Reasonably Available Control Technology (RACT) for sources of Nitrogen Oxides; all strategies to attain the 8-Hour Ozone Standard not later than 2007 in Shelby County.

THOMPSON
ADOPTED

13.

Resolution approving sub-grants in the amount of \$45,760.00 and \$14,219.00 respectively, net of required matching contributions to the Commission on Missing and Exploited Children and the Shelby County Schools pursuant to the Juvenile Accountability Block Grant for the term October 1, 2003 to September 30, 2004.

THOMPSON
ADOPTED

14.

Resolution appropriating funds and approving a contract amendment between Shelby County Government and Printrak International, Inc. a Motorola Company, in the amount of \$125,801.00 for additional maintenance and support of the Sheriff’s Office Automated Fingerprint Identification System.

THOMPSON
ADOPTED

15.

Resolution appropriating funds and approving a contract between Shelby County Government and Printrak International, Inc., a Motorola Company, in the amount of \$414,529.00 to upgrade the Sheriff’s Office Computer Aided Dispatch System.

MOSS
ADOPTED

16.

Resolution to approve payment to the City of Memphis Division of Park Services for services provided under the agreement between the Shelby County Conservation Board and the Memphis Park Commission dated March 31, 1964, for the fiscal years 2003-2004 through 2008-2009.

MALONE
ADOPTED

17.

Resolution rescinding previously approved resolution approving Homestead Program Transfer of property and reassigning property to the Real Estate Office for sale.

MALONE
ADOPTED

18.

Resolution approving the transfer of title of five parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.

WILLINGHAM
ADOPTED

CONSENT AGENDA
- REGULAR AGENDA**
- Elections, Appointments, and Confirmations**

Ordinances

**HOOKS
(DEFERRED
TO 04/12/04)**

19. **ORDINANCE – THIRD READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of **Construction Code Enforcement** and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

**HOOKS
(DEFERRED
TO 04/12/04)**

20. **ORDINANCE – THIRD READING**
A Joint Ordinance (ZTA 03-005 CC) amending the Memphis and Shelby County **Zoning Ordinance – Regulations** adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

**HOOKS
WITHDRAWN**

21. **CASE NO. S.U.P. 03-218 CC – FITE ROAD LANDFILL**
APPLICANT: JACS, LLC
- LOCATION:** North side of Fite Road; +/- 2,356 feet west of Tay-for Drive
- REQUEST:** Landfill for Agricultural and Construction/Demolition Waste (Class III/IV)
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Friday, March 12, 2004.)

HOOKS
(DEFERRED
TO 04/12/04)

22. CASE NO. S 04-005 CC
APPLICANT: RUSCO
- LOCATION: Northwest corner of Migaldi Drive and Nicholas Lane
- REQUEST: APPEAL: Joint Resolution approving the appeal of the Pinnacle Point Neighborhood Association, Inc., by overturning the action of the Memphis/Shelby County Land Use Control Board approving Pinnacle Point Subdivision, Resubdivision of Lots 106 and 107

[Pinnacle wants to overturn LUCB decision – vote will be to support appeal or turn down appeal]

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(No notice of public hearing in newspaper of general circulation required; however, notice letters to interested property owners mailed on Friday, March 12, 2004.)

Reports and/or Resolutions for Standing Committees

MALONE
(DEFERRED
TO 04/12/04)

23. Resolution endorsing Tennessee General Assembly Joint Resolution 71.

WILLINGHAM
ADOPTED

- 23A. Resolution approving the use of up to \$350,000.00 of funds generated as excess interest earnings over and above that which is required for funding the construction of the FedEx Forum to be utilized for a change order to build out a locker room for the use of the University of Memphis Men’s Basketball Team.

WILLINGHAM
ADOPTED

- 23B. Resolution approving agreement for termination of the MSU finance and use agreement between the State of Tennessee Board of Regents and the County of Shelby/City of Memphis.

FORD
ADOPTED
AS AMENDED

- 23C. Resolution adopting guidelines for the Commission’s Summer Youth Employment Program.

FORD
ADOPTED

- 23D. Resolution adopting a code of ethics policy for the Shelby County Board of Commissioners.

Announcements/Statements

Adjournment

**RENDTORFF
ADOPTED**

- 24. Resolution of Adjournment to March 24, 2004, Special Called Meeting, at 3:00 p.m.**

AGENDA # 3
MARCH 22, 2004

3A

SUBDIVISION: HAPPY TIMES FARMS (S.U.P. 03-212 CC)

DEVELOPER: JULIE D. HATCHETT

ACTION: RESOLUTION TO APPROVE THE PLAT FOR HAPPY TIMES FARMS (S.U.P. 03-212.CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: NORTH OF HOLMES ROAD, SOUTH OF EAST SHELBY DRIVE

3B

SUBDIVISION: RIVERWOOD FARMS P.D., PHASE 4, PART OF AREA B (P.D. 91-313 CC)

DEVELOPER: CORDOVA ASSOCIATES

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO RIVERWOOD FARMS P.D., PHASE 4, PART OF AREA B (P.D. 91-313 CC)

LOCATION: EAST SIDE OF SANGA ROAD, SOUTH OF FUTURE CORDOVA ROAD AND NORTH OF MACON ROAD

3C

SUBDIVISION: ROYAL OAKS P.D., PHASE 2 (P.D. 00-351 CC)

DEVELOPER: CROSSMAN COMMUNITIES OF TENNESSEE, L.L.C.

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO ROYAL OAKS P.D., PHASE 2 (P.D. 00-351 CC)

LOCATION: 135 FEET NORTH OF THE INTERSECTION OF NORTHDAL E DRIVE AND NORTHWOOD HILLS DRIVE

3D

SUBDIVISION: WOODLAND HILLS P.D., THIRD AMENDMENT, PHASE 16, PART OF PARCEL 7 (P.D. 99-352 CC)

DEVELOPER: COASTAL FUELS, INC.

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO WOODLAND HILLS P.D., THIRD AMENDMENT, PHASE 16, PART OF PARCEL 7 (P.D. 99-352 CC)

LOCATION: SOUTH SIDE OF MACON ROAD; +3322.00 FEET WEST OF HOUSTON LEVEE ROAD